

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GERALD E. LA PLANT,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

CASE NO. C14-1143-JCC-MAT

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of an application for disability benefits by the Commissioner of the Social Security Administration. The parties now stipulate this case should be reversed and remanded for further proceedings. (Dkt. 23.)

Based on the stipulation of the parties, the Court recommends this case be REVERSED and REMANDED for a *de novo* hearing and further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Administrative Law Judge (ALJ) shall: (1) give plaintiff an opportunity for a hearing and to submit additional evidence; (2) reevaluate the medical opinions in the record, including those of examining physician Frederick T. Drake, M.D., about plaintiff's ability to lift, carry, and reach, and those of examining psychologist Victoria McDuffee, Ph.D., about plaintiff's ability to understand verbal instructions and hold

1 information; and (3) proceed through the sequential evaluation process and, if warranted, obtain
2 vocational evidence. The parties agree no aspect of the Commissioner's final decision is
3 affirmed. Also, upon proper presentation to this Court, the Court will consider plaintiff's
4 entitlement to reasonable attorney fees and expenses pursuant to the Equal Access to Justice Act,
5 28 U.S.C. § 2412(d).

6 The Court recommends that United States District Judge John C. Coughenour
7 immediately approve this Report and Recommendation and order the case REVERSED and
8 REMANDED for further administrative proceedings pursuant to sentence four of 42 U.S.C. §
9 405(g). A proposed order accompanies this Report and Recommendation.

10 DATED this 3rd day of March, 2015.

11
12 

13 Mary Alice Theiler
14 United States Magistrate Judge
15
16
17
18
19
20
21
22
23